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CITY OF VACAVILLE, JULIE BAILEY,
CHUCK BAILEY, DUSTIN WILLIS, and DAVE SPENCER

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARMEL GARCIA, an individual; M.Y. AND
L.Y., minors by and through their guardian ad
litem VANESSA RUIZ; L.Y., a minor by and
through his guardian ad litem FRANCISCA
URIOSTEGUI,

Plaintiff,

v.

YUBA COUNTY SHERIFF'S
DEPARTMENT; YUBA COUNTY
SHERIFF'S DEPUTIES DOES 1-5; CITY OF
VACAVILLE; and VACAVILLE POLICE
OFFICER DOES 6-10;

Defendants.

Case No. 2:19-cv-02621-KJM-DB

**SECOND STIPULATED REQUEST TO
CONTINUE PRE-TRIAL DEADLINES**

Judge: Kimberly J. Mueller

1 WHEREAS, Plaintiffs CARMEL GARCIA, M.Y. AND L.Y., minors by and through their
2 guardian ad litem VANESSA RUIZ; L.Y., a minor by and through his guardian ad litem FRANCISCA
3 URIOSTEGUI, (“Plaintiffs”) initiated this case on March 11, 2020 (Dkt. No. 1.1);

4 WHEREAS, Plaintiffs filed a first amended complaint on April 24, 2020 (Dkt. No. 9), and
5 Defendant City of Vacaville (“the City”) filed a motion to dismiss Plaintiffs first amended complaint on
6 May 15, 2020 (Dkt. No. 14);

7 WHEREAS, following the July 24, 2020 hearing on the City’s motion to dismiss plaintiff’s first
8 amended complaint, the court issued a minute order setting the pre-trial schedule in this matter (Dkt. No.
9 25);

10 WHEREAS, the court granted the City’s motion to dismiss on September 18, 2020 and dismissed
11 Plaintiffs’ first amended complaint with leave to amend (Dkt. No. 27);

12 WHEREAS, Plaintiffs filed their second amended complaint on November 18, 2020 (Dkt. No.
13 28), against the City, JULIE BAILEY, CHUCK BAILEY, DUSTIN WILLIS, and DAVE SPENCER
14 (collectively, “Defendants”), and Defendants filed their motion to dismiss Plaintiffs’ second amended
15 complaint on November 30, 2020 (Dkt. No. 29);

16 WHEREAS, on January 26, 2021, the court issued an order taking Defendants’ motion to dismiss
17 Plaintiffs’ second amended complaint under submission without oral argument (Dkt. No. 34);

18 WHEREAS, on March 12, 2021, the parties filed a stipulation to continue pre-trial deadlines
19 (Dkt. No. 35), and on March 16, 2021 this Court granted the stipulation and issued an amended
20 scheduling order continuing the pre-trial deadlines (Dkt. No. 36);

21 WHEREAS, good cause exists to continue the existing pre-trial deadlines a second time, because
22 in the interests of efficiency and with an eye toward streamlining discovery and avoiding discovery
23 disputes, the parties have purposely held off on conducting discovery related to the claims subject to the
24 pending motion to dismiss and will require additional time to conduct additional discovery on said claims
25 after an order issues on the motion to dismiss.

26 WHEREAS, this stipulation is not made for any improper purpose and will not prejudice any
27 party;

28 WHEREAS, the requested modifications will not otherwise impact the trial date for the case as

1 none has been set;

2 **STIPULATION**

3 NOW, THEREFORE, Plaintiffs and Defendants stipulate and request the court continue presently
4 set pre-trial dates as follows:

5 Event	Current Deadline	Proposed Deadline
6 Discovery Cutoff	August 13, 2021	November 11, 2021
7 All Dispositive Motions Hearing 8 Date	October 29, 2021	January 28, 2022
9 Expert Disclosures	November 16, 2021	February 14, 2022
10 Supplemental Experts	November 30, 2021	February 28, 2022
11 Completion of Expert Discovery	December 30, 2021	March 30, 2022

15 Dated: July 12, 2021

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

16 By: /s/ Richard W. Osman
17 Richard W. Osman
18 Attorney for Defendants CITY OF
19 VACAVILLE, JULIE BAILEY,
20 CHUCK BAILEY, DUSTIN WILLIS, and
DAVE SPENCER

21 Dated: July 12, 2021

LAW OFFICES OF FULVIO F. CAJINA

22 By: /s/ Fulvio F. Cajina
23 Fulvio F. Cajina
24 Attorney for Plaintiffs CARMEL GARCIA,
25 M.Y. AND L.Y., minors by and through their
guardian ad litem VANESSA RUIZ; L.Y., a
26 minor by and through his guardian ad litem
FRANCISCA URIOSTEGUI

27 //

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ELECTRONIC CASE FILING ATTESTATION

I, Richard W. Osman, hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show their signature on this document as /s/.

Dated: July 12, 2021

By: /s/ Richard W. Osman

Richard W. Osman

ORDER

The pretrial deadlines are continued as outlined in the stipulation, except the dispositive motion hearing date is set for February 11, 2022 as January 28, 2022 is not an available civil law and motion date.

Description	Existing Date	New Date
Discovery Cutoff	August 13, 2021	November 11, 2021
All Dispositive Motions Hearing Date	October 29, 2021	February 11, 2022
Expert Disclosures	November 16, 2021	February 14, 2022
Supplemental Experts	November 30, 2021	February 28, 2022
Completion of Expert Discovery	December 30, 2021	March 30, 2022

DATED: July 19, 2021.


 CHIEF UNITED STATES DISTRICT JUDGE